

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|  |   |                               |
|--|---|-------------------------------|
| LAURA ALLEN, INDIVIDUALLY AND AS             | ) |                               |
| ADMINISTRATRIX OF THE ESTATE OF              | ) |                               |
| DAN ALLEN, AND AS NEXT FRIEND                | ) |                               |
| TAYLOR ALLEN AND DANIELLE ALLEN;             | ) |                               |
| AND MARK ALLEN                               | ) |                               |
| Plaintiffs,                                  | ) |                               |
|  | ) | CIVIL ACTION NO. 05-40048-FDS |
| v.   | ) |                               |
|  | ) |                               |
| MARTIN SURFACING, A Division of              | ) |                               |
| SOUTHWEST RECREATIONAL                       | ) |                               |
| INDUSTRIES; SOUTHWEST                        | ) |                               |
| RECREATIONAL INDUSTRIES, INC., d/b/a         | ) |                               |
| MARTIN SURFACING; RONALD L.                  | ) |                               |
| GLASS, As he is Trustee in Bankruptcy for    | ) |                               |
| Southwest Recreational Industries, Inc., And | ) |                               |
| REED J. SEATON                               | ) |                               |
| Defendants.                                  | ) |                               |

**STIPULATION**

The Plaintiffs and Defendant Reed J. Seaton ("Seaton") hereby stipulate as follows:

1. The Plaintiffs and Seaton will cause to be filed herein a Stipulation of Dismissal, dismissing with prejudice, pursuant to FRCP 41(a), all claims against Seaton. The remaining stipulations (below) will be effective only upon the filing and entry of said Stipulation of Dismissal.

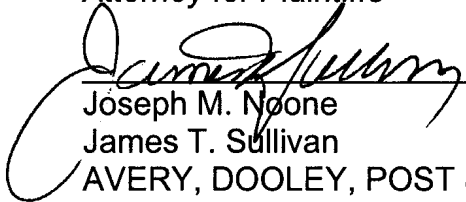
2. Seaton stipulates that, if properly served with a subpoena *duces tecum* in this action, he will provide all responsive, non-privileged documents in his care, custody or control relating to Southwest Recreational Industries' flooring division and that he will not interpose any objections unless the subpoena *duces tecum* is demonstrably unreasonable. Furthermore, all responsive documents shall be copied and mailed to

the Plaintiffs at Plaintiffs' expense, or in the event the kinds and volume of documents requested make it uneconomical to copy them, such documents will be made available to the Plaintiffs for their inspection and copying in Texas.

2. Seaton and the Plaintiffs stipulate that, if properly served with a subpoena, Seaton will provide deposition testimony in the State of Texas, at a time and place mutually convenient for both parties. Unless waived in writing by Southwest Recreational Industries, Inc., Seaton will protect all confidential, privileged information of said corporation.

3. The parties further stipulate that Seaton has not waived any rights he has in respect to the pursuit and/or enforcement of sanctions against Plaintiffs' former counsel, Robert Bonsignore and/or his firm.

**STIPULATED:**

  
\_\_\_\_\_  
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\_\_\_\_\_  
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*Attorney for Defendant, Seaton*

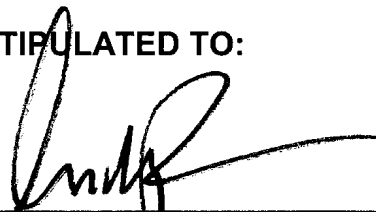
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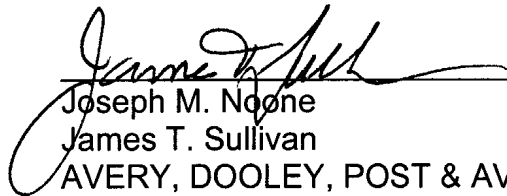
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| REED J. SEATON                               | ) |                           |
| Defendants.                                  | ) |                           |

**STIPULATION OF DISMISSAL**

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the parties hereby Stipulate that the Plaintiffs' claims herein against the Defendant, Reed J. Seaton, only, are dismissed, with prejudice, in their entirety, and without costs.

**STIPULATED TO:**

  
\_\_\_\_\_  
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